

ENTERED

March 25, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

PEDRO LOPEZ GARCIA, §
§
Petitioner, §
VS. § CIVIL NO. 2:18-CV-08
§
LORIE DAVIS, §
§
Respondent. §

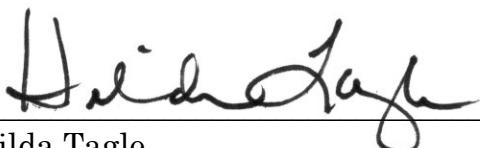
ORDER

Before the Court is Respondent's Motion for Summary Judgment With Brief in Support, Dkt. No. 11; the July 24, 2018 Memorandum and Recommendation ("M&R") of the Magistrate Judge to whom this case was referred, Dkt. No. 15; Affidavit Lack of Communication, Dkt. No. 16; and Letters from Pedro Lopez Garcia ("Garcia" or "Petitioner"), Dkt. Nos. 20 and 21.

After independently reviewing the record and considering the applicable law, the Court **ADOPTS** the M&R, Dkt. No. 15; **GRANTS** Respondent's Motion for Summary Judgment, Dkt. No. 11; **DISMISSES** Petitioner's application for habeas corpus relief as second or successive **WITHOUT PREJUDICE** to re-filing if proper authorization from the Fifth Circuit is obtained;¹ and **DENIES** Petitioner a certificate of appealability.

Final judgment will be entered separately.

SIGNED this 25th day of March 2019.



Hilda Tagle
Senior United States District Judge

¹ The Court also holds that Petitioner's habeas corpus petition is time-barred.